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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/970,452	10/03/2001	Umesh Gupta	SURG:159

CONFIRMATION NO. 3306

## FORMALITIES LETTER



\*OC000000007006171\*

William W. Enders  
 O'KEEFE, EGAN & PETERMAN  
 Building C, Suite 200  
 1101 Capital of Texas Highway South  
 Austin, TX 78746

Date Mailed: 11/01/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$792.
  - \$792 for 44 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1662.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/04/2002 BNGUYEN1 00000070 09970452

01 FC:201	370.00 OP
02 FC:205	65.00 OP
03 FC:203	396.00 OP



*Secdor\$*  
*#3*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Chaoxin C. Qiu et al.

Filed: October 3, 2001

For: SYSTEMS AND METHODS FOR RESOURCE MONITORING IN  
INFORMATION STORAGE ENVIRONMENTS

Serial No.: 09/970,452 /

Group Art Unit: Unknown

Examiner: Unknown

Arty. Docket No.: SURG:159

Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date below:

11-28-01      Debbri Ferrara  
Date                      Name

BOX MISSING PARTS  
Assistant Commissioner For Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith for filing are:

- ☐ New Patent Application consisting of \_\_\_ pages
- ☐ Continued Prosecution Application (37 CFR §1.53(d)) -- The parent application is USSN \_\_\_\_\_ filed on \_\_\_\_\_. The prior Examiner was \_\_\_\_\_ in Group Art Unit \_\_\_\_\_.
- ☒ Notice to File Missing Parts - Part 2 copy
- ☐ Assignment and Recordation Cover sheet
- ☐ Inventor's Declaration
- ☐ Information Disclosure Statement
- ☐ Petition for a \_\_\_\_\_ month extension of time

- ☐ Response to Office Action
- ☐ Preliminary Amendment
- ☐ Formal Drawings (Figs , sheets)
- ☐ Informal Drawings
- ☐ Notice of Appeal
- ☐ An Appeal Brief (an original and two copies)
- ☒ Check in the amount of \$831.00

### FEE CALCULATION:

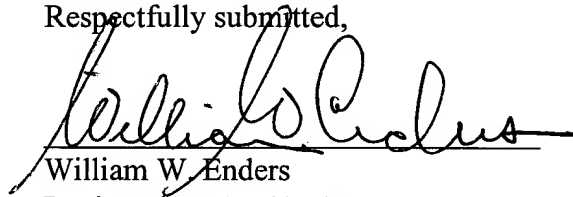
CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	Total Claims (37 CFR 1.16(e))	<u>64</u> - 20 =	44	x \$ 18.00	\$ 792.00
	Independent Claims (37 CFR 1.16(b))	<u>3</u> - 3 =	0	x \$ 84.00	\$ 0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$ 280.00	\$
				Basic Fee (37 CFR 1.16(a))	\$ 740.00
				Total of above Calculations =	\$ 1532.00
	Reduction by 50% for filing by Small Entity (Note: 37 CFR 1.9, 1.27, 1.28)				\$ 766.00
	Surcharge for submission of Response to Missing Parts if applicable (\$130)				\$ 65.00
	ASSIGNMENT RECORDATION FEE (IF FILED WITH APPLICATION) \$40				\$
	TOTAL =				\$ 831.00

- ☒ The Commissioner is authorized to deduct any requisite fees under 37 CFR 1.16 to 1.21 from, or deposit any credits to, Deposit Account No. 10-1205/SURG:159, including any concurrent or future required extension of time fees.
- ☒ Postcard. Please date stamp and mail this postcard to acknowledge receipt of the enclosed documents.

☒ Other: Copy of Small Entity Statement filed in parent case 09/947,869.  
Such status is still proper and desired (37 CFR 1.28(a)).

The Examiner is invited to contact the undersigned at 512-347-1611 with any questions or comments, or to otherwise facilitate expeditious prosecution of the application.

Respectfully submitted,



William W. Enders  
Registration No. 41,735  
Attorney for Applicant

O'KEEFE, EGAN & PETERMAN, L.L.P.  
1101 Capital of Texas Highway South  
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512-347-1611  
512-347-1615 (Fax)

COPY

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN

DOCKET NO.  
SURG:156

Applicant or Patentee: Surgient Networks, Inc.

Application No.: Unknown

Title: SYSTEMS AND METHODS FOR RESOURCE MANAGEMENT IN  
INFORMATION STORAGE ENVIRONMENTS

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:  
ADDRESS OF SMALL BUSINESS CONCERN:

SURGIENT NETWORKS, INC.  
8303 North Mopac  
Suite C-300  
Austin, TX 78759-8374

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the

invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below:

Separate verified statement is required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Scott C. Johnson

TITLE OF PERSON IF OTHER THAN OWNER: Chief Technical Officer

ADDRESS OF PERSON SIGNING: 8303 North Mopac  
Suite C-300  
Austin, TX 78759-8374

SIGNATURE: Scott C. Johnson DATE: 9-5-2001